

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

|                         |   |                    |
|-------------------------|---|--------------------|
| F. JEFF DUNCAN, JR.,    | ) |                    |
|                         | ) |                    |
| Plaintiff               | ) |                    |
|                         | ) |                    |
| v.                      | ) | No. 3:09-0989      |
|                         | ) | Judge Nixon/Brown  |
|                         | ) | <b>Jury Demand</b> |
| MILLIMAN, INC., a       | ) |                    |
| Washington Corporation, | ) |                    |
|                         | ) |                    |
| Defendant               | ) |                    |

**O R D E R**

A telephone conference was held with the parties on May 25, 2010. At the present time the parties have cross-motions pending before Judge Nixon. The parties are in agreement that it would be prudent to suspend the present scheduling order pending the resolution of these motions. The parties are requested to notify the Magistrate Judge immediately upon a decision by Judge Nixon on these motions and at that point the Magistrate Judge will schedule a conference with the parties to enter a new scheduling order as appropriate and to select a new trial date, if necessary.

The Magistrate Judge provided the parties with a new Sixth Circuit case which may or may not have any applicability to the present controversy. Should either party believe the Sixth Circuit case has relevance to their respective motions, they may file a short supplement to their briefs addressing the matter.

It is so **ORDERED**.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge